

**BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA**

**REGULAR MEETING**

**March 13, 2007**

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**COUNTY COMMISSIONERS**

**Welton G. Cadwell, Chairman**

**Jennifer Hill, Vice Chairman**

**Elaine Renick, District #2**

**Debbie Stivender, District #3**

**Linda Stewart, District #4**

**Cindy Hall, County Manager**

**Sanford A. Minkoff, County Attorney**

**James C. Watkins, Clerk to the Board**

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**DISCLAIMER**

This booklet has been prepared for the convenience of the Board of County Commissioners in discussing matters before them. Every effort has been made to include all items to be discussed at this Board of County Commissioners meeting, however, Commissioners may add items, which are not a part of this Agenda, or items may be removed from consideration. While it has been the goal to present error-free information, we do not represent that documentation is without errors or omissions.

In addition to regular Board meetings, the Board of County Commissioners may, from time to time, schedule a workshop during which they will receive information from staff, have discussions with staff and among themselves, and then proceed to give staff direction on the subject matter being discussed unless otherwise shown on the Agenda item. These discussions and workshops do not take the place of the formal public hearing process during which any member of the public may comment and formal action is taken.

The Board and staff welcome written comments prior to workshops and other meetings. If you have comments or questions regarding the subject matter of any Board action or workshop, please deliver your written comments to appropriate County staff or mail to the Board of County Commissioners, Post Office Box 7800, Tavares, FL 32778.

**ITEMIZED AGENDA**

**March 13, 2007**

**8:30 A.M.      VALUE ADJUSTMENT BOARD**

**9:00 A.M.      Invocation**

**Pledge of Allegiance**

**I.      **AGENDA UPDATE****

**Discussion regarding proposed revisions to today's Agenda.**

## **II. MINUTE APPROVAL**

Tab 1            Approval of the following Minutes:

January 30, 2007	(Special Meeting - Worksession)
February 6, 2007	(Regular Meeting)
February 20, 2007	(Regular Meeting)

## **III. CLERK OF COURT'S CONSENT AGENDA**

Tab 2            Approval of Clerk of Courts' Consent Agenda (Items 1 through 12)

1. List of warrants paid prior to this meeting, pursuant to Chapter 136.06 (1) of the Florida Statutes, which shall be incorporated into the Minutes as attached Exhibit A and filed in the Board Support Division of the Clerk's Office - Acknowledge receipt.
2. Monthly Distribution of Revenue Traffic/Criminal Cases, for the month ending January 31, 2007, in the amount of \$203,669.22. Same period, last year: \$167,055.15 - Acknowledge receipt.
3. Semi-Annual Investment Report for FY 06/07, dated December 31, 2006, for the Clerk of Courts, Lake County, Florida - Acknowledge receipt.
4. Copy of Report No. 2007-106, an Operational Audit of Lake-Sumter Community College, for the Fiscal Year ended June 30, 2006 - Acknowledge receipt.
5. Ordinance No. 2006-34, from the City of Minneola, rezoning approximately 5.10 acres generally located in the Vicinity of Rockwell Avenue, Silverton Street, and Center Street East of US Highway 27 from Multi-Family High Density Residential (RMF-2) to Business (B-1) within the City of Minneola - Acknowledge receipt.
6. Notification from the City of Mascotte of publication of annexation for applicants Hunter McNeer and Norman Thomas for the following parcels, lying within an unincorporated area of Lake County, generally located South of Hanley Road:

Parcel No. 1 – W  $\frac{3}{4}$  of N  $\frac{1}{2}$ , NE  $\frac{1}{4}$  of SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ , Lake County, Florida.

Parcel No. 2 – SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  and SW  $\frac{1}{4}$ , Lying S of Hanley Rd. R/W, Lake County, Florida.

The Ordinances relevant to the above-referenced annexations will be published in the Daily Commercial on February 5, 2007.

Recommendation: Acknowledge receipt

7. Ordinances from the Town of Lady Lake, as follows:

Natural Gas Ordinance No. 2006-19, granting to Peoples Gas System, A Division of Tampa Electric Company, its successors and assigns, a non-exclusive, Natural Gas Franchise Agreement to use the public places of the Town of Lady Lake, Florida. Passed and adopted the 7<sup>th</sup> day of December, 2006.

Ordinance No. 2006-77, amending the Town of Lady Lake Land Development Regulations, Chapter 3, Development Procedures and Regulations, Section 1, Development Order, Subsection (b), Exceptions To The Requirements For A Development Order; Chapter 7, Site Development Plan Regulations, Section 3, Designation of Plans As Major or Minor Development, Subsection (C) Exceptions; and Chapter 16, Building and Fire Standards, Article II, Building Plans and Permits, Section 3, Permit Applications, Subsection (a)(1) (C), Exceptions, Amending and Adding Provisions Governing Exceptions For Accessory Structures Not Exceeding 200 Square Feet On a Nonresidential Lot Previously Granted Site Plan Approval, Passed and adopted the 22<sup>nd</sup> day of December, 2006.

Ordinance No. 2006-78, amending the Town of Lady Lake Land Development Regulations; Chapter 4, Concurrency Management System, Adding Section 8 Entitled Transportation Proportionate Fair Share Program; Adding Provisions Governing Coordination of the Proportionate Fair Share Program with Lake County.

Recommendation: Acknowledge Receipt

8. Meeting Notice – Southwest Florida Water Management District Governing Board Meeting Agenda for February 27, 2007, to be held at 9:00 a.m., at the Brooksville Headquarters, 2379 Broad Street, Brooksville, Florida; and Approved Minutes of the Meeting of the Governing Board, held on November 30, 2006.
9. Notice Before the Florida Public Service Commission – Re: Notice of Commission Hearing and Prehearing Conference to Progress Energy Florida, Inc., Office of Public Counsel, AARP, Federal Executive Agencies, Florida Industrial Power Users Group, Florida Power & Light Company, Florida Public Utilities Company, Florida Retail Federation, Gulf Power Company, Office of the Attorney General, PCS Phosphate, Tampa Electric Company and All Other Interested Persons – Docket No. 060658-EI – Petition on Behalf of Citizens of the State of Florida to Require Progress Energy Florida, Inc. to Refund Customers \$143 Million – Issued: February 20, 2007.

Notice is hereby given that a hearing will be held before the Florida Public Service Commission in the above-referenced docket, at the following time and place: Monday – Wednesday, April 2, 3, and 4, 2007, 9:30 a.m., Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida.

A prehearing conference will be held before Commissioner Katrina J. McMurrian, as Prehearing Officer, regarding the above-referenced matter, at the following time and place: Wednesday, March 21, 2007, 9:30 a.m., Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida.

Recommendation: Acknowledge Receipt

10. Ordinances from the Town of Lady Lake, as follows:

Ordinance No. 2006-75, redesignating zoning classification for certain properties owned by Villages Property Investors, LLP, and located within the Town limits of the Town of Lady Lake, Florida. Passed and ordained the 1<sup>st</sup> day of February, 2007, in the regular session of the Town Commission of the Town of Lady Lake, Florida, upon the second and final reading.

Ordinance No. 2007-06, setting forth cross connections and backflow prevention, in connection with the potable water supply. Passed and adopted at the regular meeting of the Town Commission of the Town of Lady Lake, Florida, held on the 15<sup>th</sup> day of February, 2007.

Ordinance No. 2007-07, declaring a housing emergency, as a result of the impacts of the tornados. Passed and

adopted at the regular meeting of the Town Commission of the Town of Lady Lake, Florida, held on the 7<sup>th</sup> day of February, 2007.

Recommendation: Acknowledge Receipt

11. Ordinance No. 2007-01, from the Town of Montverde, Florida, correcting Ordinance No. 2005-10; annexing into and including within the corporate area and limits of the Town the portions and areas of land in Lake County, Florida, generally described as that property located on the west side of Lake Apopka, directly to the north and contiguous to the Town of Montverde, and more particularly described herein; redefining the corporate limits of the Town of Montverde, Florida, to include said land in the Town. Passed and adopted the 13<sup>th</sup> day of February, 2007 - Acknowledge receipt.
12. Before the Florida Public Service Commission: Revised Notice of Commission Hearing and Prehearing Conference to Progress Energy Florida, Inc. and All Other Interested Persons.

Docket No. 060658-EI – Petition on behalf of citizens of the State of Florida to require Progress Energy Florida, Inc. to refund customers \$143 million.

Notice is hereby given that a hearing will be held before the Florida Public Service Commission in the above-referenced docket, at the following time and place:

Monday – Wednesday, April 2, 3, and 4, 2007, 9:30 a.m.  
Betty Easley Conference Center, Room 148  
4075 Esplanade Way  
Tallahassee, Florida

Recommendation: Acknowledge Receipt

#### **IV. COUNTY MANAGER'S CONSENT AGENDA (Tab 3 through Tab 14)**

##### **Budget**

##### **Tab 3**

Approve Budget Change Requests and Unanticipated Revenue Resolution:

1. Budget transfer - Pollution Recovery Fund, Department of Environmental Services, Environmental Compliance and Enforcement Division. Transfer \$23,342 from Reserve for Operations to Contractual Services. Funds are needed for the Lake County Home Heating Oil Recovery Program for the proper transportation and disposal of heating oil per Contract 05-50. The Program was previously approved by the Board of County Commissioners in April 2004 and was not completed in Fiscal Year 2006. Therefore, additional funds are needed in Fiscal Year 2007 to complete the project. After the posting of this transfer, the balance in the Reserve for Operations account will be \$50,628.
2. Budget transfer - Pollution Recovery Fund, Department of Environmental Services, Environmental Compliance and Enforcement Division. Transfer \$8,472 from Reserve for Operations to Machinery and Equipment. Funds needed to purchase a new vehicle to replace a 1999 Jeep damaged beyond repair. Total cost for the new vehicle is \$15,653. Insurance proceeds of \$7,181 will be budgeted by a resolution for unanticipated revenue pending Board approval March 13, 2007. The remaining funds are available in Reserve for Operations. After the posting of this transfer, the balance in the Reserve for Operations account will be \$42,156.

3. Resolution to amend the Pollution Recovery Fund in order to receive unanticipated revenue for Fiscal Year 2006/2007 in the amount of \$7,181 deposited into Insurance Proceeds/Loss Furn/Fix/Eq and provide appropriations for the disbursement to Machinery and Equipment to replace a wrecked 1999 Jeep. Total cost for the new vehicle is \$15,653. The remaining funds needed are available in Reserve for Operations pending a budget transfer to Machinery and Equipment to be approved by the Board on March 13, 2007.

### **Community Services**

- [Tab 4](#) Request approval to amend the agreement with Lake-Sumter Children's Advocacy Center and to transfer unused funds as indicated.
- [Tab 5](#) Approval of 1) - Appointment of Fletcher Smith or an alternate designated by him to serve as Lake County Government's representative on the FEMA Board. 2) - Appointment of Jerry Smith or an alternate designated by the Public Safety Director as the representative from Public Safety. 3) - Authorize the submission of a direct application for funding as a Local Recipient Organization or Fiscal Agent/Conduit for a Local Recipient Organization if so directed by the FEMA Board. 4) - Authorize Community Services to manage the program and prepare required plans, reports and other related documents as directed by the FEMA Board and/or required by FEMA.
- [Tab 6](#) Approval to amend the Program Year 2006 One Year Action Plan and direct the Department of Community Services to transmit the amendment(s) to the U.S. Department of Housing & Urban Development.

### **Growth Management**

- [Tab 7](#) Request for approval and execution of a Release of Fine. Property owner: Christopher T. & Tina M. Schrock, Code Case# 2005060381 - Commission District 5.

### **Information Technology**

- [Tab 8](#) Request for approval of renewal of the Embarq Contract Service Agreement and signature.

### **Procurement**

- [Tab 9](#) It is recommended the Board award a contract to Anderson & Shaw Roofing Inc. of Florida for the replacement of the Detention Center Roof for \$1,171,000 and the contingency of \$117,100 to be expended as may be required with the approval of the Director of Facilities Development & Management and approval of associated budget transfer in the amount of \$1,288,100 - Commission District 3.

### **Public Safety**

- [Tab 10](#) Approval of intent by the Lake County Board of County Commissioners to accept award offer of funds to construct or improve the Lake County Emergency Operations Center (EOC) under Chapter 2006-71, Laws of Florida (House Bill 7121).

### **Public Works**

- [Tab 11](#) Approval and authorization for Chairman to execute satisfaction of liens for the attached thirty-four (34) road assessments.
- [Tab 12](#) Request authorization to accept the final plat for Whitmarsh and all areas dedicated to the public as shown on the Whitmarsh final plat, accept a performance bond in the amount of \$5,500.00, and execute a Developer's Agreement for Construction of Improvements between Lake County and Highland Cassidy, LLC. Whitmarsh consists of 105 lots and is located in Section 1, Township 21 South, Range 24 East - Commission District 3.

[Tab 13](#) Request authorization to release a letter of credit for performance for construction of improvements in the total amount of \$1,682,289.95 that was posted for Blue Spring Reserve Phase I. Blue Spring Reserve Phase I consists of 63 lots and is located in Section 14, Township 21 South, Range 25 East - Commission District 3.

[Tab 14](#) Request authorization to accept the final plat for Greater Lakes Phase 1 and all areas dedicated to the public as shown on the Greater Lakes Phase 1 final plat, accept a performance bond in the amount of \$2,319,186.32, and execute a Developer's Agreement for Construction of Improvements between Lake County and Low Land Assets, LP. Greater Lakes Phase 1 consists of 153 lots and is located in Section 10, Township 24 South, Range 26 East - Commission District 2.

**V. COUNTY ATTORNEY'S CONSENT AGENDA (Tab 15 through Tab 18)**

[Tab 15](#) Approval of Second Amendment to Interlocal between Lake County and Central Lake Community Development District - Commission District 3.

[Tab 16](#) Approval of Fourth Amendment to Lease Agreement between Publix Super Markets, Inc. and Lake County - Commission District 2.

[Tab 17](#) Approval and Execution of Termination of Interlocal Agreement with Lady Lake; Termination of Lease Agreement with Veterans Memorial Post 347 of the American Legion; Resolution declaring property surplus; Resolution Declaring Certain Property as Right of Way; and Deed from Lake County to Veterans Memorial Post 347 of the American Legion - Commission District 5.

[Tab 18](#) Approval of renewal of lease agreement between Lake County and Louis J. Formato for County Health Department lease space - Commission District 2.

**VI. AWARDS AND RECOGNITIONS**

**EMPLOYEE AWARDS**

**Presentation of Award to Employees with Five Years of Service**

Caryl Harris, Librarian II, Community Services/Library Services/Cooper Memorial Library

Lorena McCarroll, Associate Planner Trainee, Growth Management/Building Services

Gregory Mihalic, Director of Tourism & Business Relations, County Manager

**Presentation of Award to Employees with Ten Years of Service**

Phyllis Hegg, Office Associate IV, Public Works/Funding & Production

**Presentation of Award to Employees with Twenty Years of Service**

Robert Rinehart, Assistant Mosquito & Aquatic Plant Management Director  
Environmental Services/Mosquito & Aquatic

**BOARD/COMMITTEE CERTIFICATE PRESENTATIONS**

**Board of Adjustment**

Darren Eslinger for service from 2004-2007

Carl Ludecke for service from 2003-2007

**Board of Building Examiners**

Joseph Godfrey for service from 1997-2007

**Comprehensive Health Care Committee**

Cynthia Nash for service from 2002-2007

Dr. John C. Pellosie, Jr. for service from 1999-2006

**Elder Affairs Coordinating Council**

Ellen Miller for service from 2002-2007

Kent Youngren for service from 2002-2007

**Impact Fee Committee**

Frank Royce for service from 2002-2006

**Library Advisory Board**

Catherine Gillespie for service from 2004-2006

Dorothy Keedy for service from 1998-2006

Jody Bryant Newman for service from 2003-2007

**Local Planning Agency**

Richard Dunkel for service from 2004-2006

Ann Dupee for service from 2005-2006

Becky Elswick for service from 2005-2006

Barbara Newman for service from 2004-2007

**Public Safety Coordinating Council**

Sheriff Gary S. Borders for service from 2005-2006

**Sales Surtax Oversight Advisory Committee**

Martha Hartman for service from 2002-2006

**Zoning Board**

Robert Herndon for service from 2004-2007

Don Miller for service from 2004-2007

**VII. PRESENTATIONS**

[Tab 19](#) Acceptance of painting donated to Lake County for the Cagan Crossings Community Library by the artist Arsalan.

[Tab 20](#) Presentation by Karla Grimsley, Director of the Guardian Ad Litem Program

**VIII. COUNTY MANAGER'S DEPARTMENTAL BUSINESS**

**County Manager**

[Tab 21](#) Approval of selection of Senior Manager and Co-Managers for the upcoming bond issue.

**Facilities Development And Management**

[Tab 22](#) Request for approval of the contract funding for RSQ #05-094, Construction Manager (At Risk) for Umatilla Health Clinic, in the amount of \$3,058,300 funded in the current year and approximately \$1.4M funded in FY/08 to cover the balance of construction and other projected related costs - Commission District 3.

**Information Technology**

[Tab 23](#)

Approval to hire a Telecommunications Master Technician, purchase a vehicle, and cancel the current Telecom Maintenance contract with SETEL by giving 30 days written notice. Approval of associated budget transfers within the IT Telecommunications budget.

**Public Works**

[Tab 24](#)

Recommend Board approval of additional funds needed to reach the \$8,473,000.00 needed to award the contract to the lowest bidder to begin construction of Phase I of the North Lake Community Park. There is currently \$5,900,000.00 available for the Park project, but an additional \$2,573,000.00 is needed to reach the \$8,473.00 to award the contract and begin construction.

**IX. PUBLIC HEARINGS**

**PUBLIC HEARING - 9:00 A.M. or As Soon Thereafter**

[Tab 25](#)

Public Hearing on Vacation Petition No. 1098 and approval and execution of corrected resolution on VP1098(approved Public Hearing of 12/19/06). Commission District 5.

**X. CLOSED SESSION - 10:30 A.M. OR AS SOON THEREAFTER**

**CLOSED SESSION:** Closed session to discuss pending litigation

**XI OTHER BUSINESS**

[Tab 26](#)

Approval of appointment of Noah Powers, Assistant Superintendent of Support Services, Lake County Schools, to represent Lake County Schools on the Lake County Impact Fee Committee for the completion of an unexpired term ending August 6, 2008.

**XII. REPORTS**

A. **County Attorney**

B. **County Manager**

C. **Commissioner Hill - Vice Chairman and District #1**

D. **Commissioner Renick - District #2**

E. **Commissioner Stivender - District #3**

[Tab 27](#)

Approval and execution of a proclamation designating March 2007 as National Women's History Month to recognize and celebrate the many contributions of America's women.

F. **Commissioner Stewart - District #4**

G. **Commissioner Cadwell - Chairman and District #5**

**CITIZEN QUESTION AND COMMENT PERIOD**



**At this point in the meeting, the Board of County Commissioners will hear questions, comments, and concerns from the citizens of Lake County. Action will not be taken by the Board at this meeting but questions may be answered by staff or issues may be referred for appropriate staff action. If further action is necessary, the item may be placed on the agenda for further review and consideration.**

NOTE: Zoning or code enforcement matters which may be coming before the Board at a later date should not be discussed until such time as they come before the Board in a public hearing.

**The County Commission reserves the right to move any Agenda item to an earlier time during the day as its schedule permits, except in the case of items and appointments that have been advertised in a newspaper for a specific time.**

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Pursuant to the provisions of Chapter 286, Florida Statutes, Section 286.0105, if a person decides to appeal any decision made by the County Commission with respect to any matter considered at this Commission meeting, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record may include the testimony and evidence upon which the appeal is to be based.

**Persons with disabilities needing assistance to participate in any of these proceeding should contact the Department of Facilities Development and Management at (352) 343-9760, 48 hours in advance of the scheduled meeting.**